IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21/08/2002

CORAM

THE HON'BLE MR.JUSTICE P.K. MISRA

WRIT PETITION No.11140 of 1997
and
W.M.P.No.17819 of 2002

R. Nirmala ... Petitioner

-Vs-

1. The District Collector,
Salem District,
at Salem.

2. The Reserve Bank of India,
rep. by its Manager,
Rajaji Salai,
Madras.600 001. ... Respondents

Writ Petition under Article 226 of the Constitution of India filed for issue of writ of Certiorari as stated therein.

For Petitioner : Mr. N. Kannadasan

For Respondent No.1 : Mrs.N.G.Kalai Selvi
For Respondent-2 : No appearance

:O R D E R
By consent, the writ petition itself is taken up for final disposal.
2. Heard the learned Counsel appearing for the parties.

3. The petitioner has challenged the order dated 23.06.1997 passed by the District Collector, Salem cancelling the Community Certificate granted in favour of the petitioner.

4. It is not disputed that such Certificate had been issued some time in 1981. The Collector has cancelled such Community Certificate in reference No.79520/96 D.10 dated 23.06.1997. In view of the decision of the Supreme Court in Madhuri Patil vs. Addl. Commr. Tribunal Development (AIR 1995 SC 94), the question of cancellation of the Community Certificate is required to

be gone into by the Committee and not by the Collector. On this short point, the impugned order of the Collector cancelling the Community Certificate is liable to be quashed.

5. The next question is as to whether there should be any enquiry relating to the Community Certificate by the Committee. In the normal course, I would have called upon the Committee to consider the question. However, in the present case, it appears that on 03.08.1981, the then Collector, who was the appropriate authority at that time, had considered the matter and given a report that the Community Certificate was genuine. In such a view of the matter, it is unnecessary to give a direction regarding re-verification of the Community Certificate issued to the petitioner. This observation is made keeping in view the ratio laid down in the decision reported in Sakthi Devi, S.P. vs. The Collector of Salem, Salem, etc. (1998 (Part 4) L.W. 105), particularly the observation made in sub-paragraph No.5 of Paragraph No.10. As already indicated in the present case, the then District Collector, who was the competent authority prior to the decision of the Supreme Court in Madhuri Patil's case cited supra, had already verified, and there is no further occasion for the petitioner to prove his Caste/Community Certificate. Accordingly, the writ petition is allowed. The impugned order dated 26.06.1997 is quashed and it is directed that the petitioner should be treated as a member of Scheduled Tribes (Kondareddies) for all purposes. No costs. Consequently, W.M.P.No.17819 of 1997 is closed.

21.08.2002
Index:Yes
Internet:Yes
P.K. MISRA, J.
To
1. The District Collector, Salem District,
at Salem.

2. The Manager, Reserve Bank of India,
Rajaji Salai,
Madras.600 001.
sml.

W.P.No.11140 of 1997
and
W.M.P.No.17819 of 1997

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